

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-SEVENTH LEGISLATURE

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**NINETEENTH LEGISLATIVE DAY**  
**FRIDAY, JANUARY 30, 2004**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 11:15 a.m.

Roll call showed all members present except Senators Brandt, Burtenshaw, and Noh, absent and excused on Committee business; and Senators Burkett, Cameron, Malepeai, Marley, and Schroeder, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Zach Gonzales, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

Senators Burkett, Cameron, Malepeai, and Marley were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 29, 2004, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

January 30, 2004

The JUDICIARY AND RULES Committee reports that S 1243, S 1244, S 1245, S 1246, S 1247, S 1248, S 1249, S 1250, S 1251, S 1252, S 1253, and S 1254 have been correctly printed.

DARRINGTON, Chairman

S 1243, S 1244, S 1245, S 1246, S 1247, S 1248, S 1249, S 1250, and S 1251 were referred to the Judiciary and Rules Committee.

S 1252 and S 1253 were referred to the State Affairs Committee.

S 1254 was referred to the Local Government and Taxation Committee.

January 29, 2004

The HEALTH AND WELFARE Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Suzanne Budge Schaefer to the Hazardous Waste Facility Siting License Application Review Panel, term to expire March 29, 2004.

BRANDT, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

### Messages from the Governor

January 30, 2004

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have appointed Dean C. Sorensen of Boise, Idaho, to be Acting State Senator for Legislative District 18. This appointment will be effective January 30, 2004, and continue until such time as Senator Sheila Sorensen is able to resume her duties.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

THE OFFICE OF THE GOVERNOR  
EXECUTIVE DEPARTMENT  
BOISE, IDAHO  
CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that pursuant to the provisions of Section 59-917, *Idaho Code*, Sheila Sorensen, State Senator, District 18, Ada County, State of Idaho, has nominated Dean C. Sorensen of Boise, Idaho, to perform the duties of this office temporarily as Acting State Senator, District 18, Ada County.

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Dean C. Sorensen, to the office of State Senator, District 18, Ada County, State of Idaho, for a term commencing on January 30, 2004, and continuing until such time as Senator Sheila Sorensen is able to resume her duties.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this thirtieth day of January, in the year of our Lord Two thousand and four and of the Independence of the United States of America, the two hundred and twenty-eighth year.

/s/ BY THE GOVERNOR DIRK KEMPTHORNE  
/s/ SECRETARY OF STATE BEN YSURA

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

#### Messages from the House

Senator Schroeder was recorded present at this order of business.

January 29, 2004

Mr. President:

I transmit herewith **H 474** which has passed the House.

JUKER, Chief Clerk

**H 474** was filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

#### Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

##### **S 1255** **BY EDUCATION COMMITTEE** AN ACT

RELATING TO REIMBURSEMENT FOR DRIVER TRAINING COURSES; AMENDING SECTION 33-1707, IDAHO CODE, TO INCREASE THE AVERAGE COST PER PUPIL REIMBURSEMENT TO PUBLIC SCHOOL DISTRICTS FOR DRIVER TRAINING COURSES FROM ONE HUNDRED TEN DOLLARS TO ONE HUNDRED TWENTY-FIVE DOLLARS.

##### **S 1256** **BY COMMERCE AND HUMAN RESOURCES** **COMMITTEE** AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1302, IDAHO CODE, TO REVISE THE DEFINITION OF "EMPLOYEE."

##### **S 1257** **BY COMMERCE AND HUMAN RESOURCES** **COMMITTEE** AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1361, IDAHO CODE, TO REVISE PROVISIONS RELATING TO WAIVER OF A DEATH BENEFIT OF A MEMBER OF THE PUBLIC EMPLOYEE RETIREMENT SYSTEM BY A DESIGNATED BENEFICIARY AND THE CONSEQUENCES OF SUCH WAIVER.

##### **S 1258** **BY COMMERCE AND HUMAN RESOURCES** **COMMITTEE** AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 72-1431, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE REMITTANCE OF CERTAIN FIREFIGHTER RETIREMENT CONTRIBUTIONS TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM BOARD, TO PROVIDE FOR THE CALCULATION OF THE AVERAGE PAID SALARY OR WAGE OR THE INDIVIDUAL FIREFIGHTER'S SALARY OR WAGE BY THE DIRECTOR OF THE PUBLIC EMPLOYEE RETIREMENT SYSTEM, TO REVISE PROVISIONS RELATING TO THE DIRECTOR'S NOTIFICATION TO CITIES AND FIRE DISTRICTS REGARDING THE AMOUNT OF CONTRIBUTIONS TO BE COLLECTED AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 72-1432, IDAHO CODE, TO CLARIFY PROVISIONS RELATING TO THE REMITTANCE OF CERTAIN PENSION FUND CONTRIBUTIONS BY CITIES AND FIRE DISTRICTS TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM BOARD, TO REVISE PROVISIONS RELATING TO THE MEASUREMENT AND DETERMINATION OF THE AVERAGE PAID SALARY OR WAGE OR INDIVIDUAL FIREFIGHTER'S SALARY OR WAGE, TO REVISE PROVISIONS RELATING TO THE REMITTANCE OF PENSION FUND CONTRIBUTIONS BY CITIES AND FIRE DISTRICTS AND TO MAKE TECHNICAL CORRECTIONS; AND TO PROVIDE FOR THE CALCULATION OF THE INITIAL AVERAGE PAID SALARY OR WAGE OR INDIVIDUAL FIREFIGHTER'S SALARY OR WAGE FOR A DESIGNATED TWELVE MONTH PERIOD OF TIME.

##### **S 1259** **BY COMMERCE AND HUMAN RESOURCES** **COMMITTEE** AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1319, IDAHO CODE, TO ELIMINATE THE REQUIREMENT THAT THE SOCIAL SECURITY NUMBER OF A MEMBER BE SPECIFIED IN AN APPROVED DOMESTIC RETIREMENT ORDER, TO REQUIRE THAT THE ACCOUNT NUMBER OF A MEMBER BE SPECIFIED IN AN APPROVED DOMESTIC RETIREMENT ORDER, TO ELIMINATE THE REQUIREMENT THAT THE SOCIAL SECURITY NUMBER OF AN ALTERNATE PAYEE BE SPECIFIED IN AN APPROVED DOMESTIC RETIREMENT ORDER AND TO REQUIRE THAT THE SOCIAL SECURITY NUMBER OF AN ALTERNATE PAYEE BE PROVIDED TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM BOARD PRIOR TO A DOMESTIC RETIREMENT ORDER BEING APPROVED BY THE EXECUTIVE DIRECTOR OF THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OR HIS DESIGNEE.

**S 1255, S 1256, S 1257, S 1258, and S 1259** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 474**, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

**H 514**, by Appropriations Committee, was read the second time at length and filed for third reading.

**S 1239**, by Finance Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

**S 1219** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bilbao (Little), Bunderson, Burkett, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Pearce, Richardson, Schroeder, Sorensen, Spindler (Werk), Stegner, Stennett, Sweet, Williams. Total - 32.

NAYS--None.

Absent and excused--Brandt, Burtenshaw, Noh. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **S 1219** passed, title was approved, and the bill ordered transmitted to the House.

The President assumed the Chair.

**S 1215** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bilbao (Little), Bunderson, Burkett, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Pearce, Richardson, Schroeder, Sorensen, Spindler (Werk), Stegner, Stennett, Sweet, Williams. Total - 32.

NAYS--None.

Absent and excused--Brandt, Burtenshaw, Noh. Total - 3.

Total - 35.

Whereupon the President declared **S 1215** passed, title was approved, and the bill ordered transmitted to the House.

**S 1214** was read the third time at length, section by section, and placed before the Senate for final consideration. Acting Senator Bilbao arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bilbao (Little), Bunderson, Burkett, Calabretta, Compton, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Pearce, Richardson, Schroeder, Sorensen, Spindler (Werk), Stegner, Sweet, Williams. Total - 29.

NAYS--Cameron, Darrington. Total - 2.

Absent and excused--Brandt, Burtenshaw, Noh, Stennett. Total - 4.

Total - 35.

Whereupon the President declared **S 1214** passed, title was approved, and the bill ordered transmitted to the House.

**S 1222** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bunderson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bilbao (Little), Bunderson, Burkett, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Pearce, Richardson, Sorensen, Spindler (Werk), Stegner, Sweet, Williams. Total - 30.

NAYS--None.

Absent and excused--Brandt, Burtenshaw, Noh, Schroeder, Stennett. Total - 5.

Total - 35.

Whereupon the President declared **S 1222** passed, title was approved, and the bill ordered transmitted to the House.

**S 1223** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bilbao (Little), Bunderson, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Pearce, Richardson, Schroeder, Sorensen, Spindler (Werk), Stegner, Sweet, Williams. Total - 30.

NAYS--Burkett. Total - 1.

Absent and excused--Brandt, Burtenshaw, Noh, Stennett.  
Total - 4.

Total - 35.

Whereupon the President declared **S 1223** passed, title was approved, and the bill ordered transmitted to the House.

**H 503** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bilbao (Little), Bunderson, Burkett, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Pearce, Richardson, Schroeder, Sorensen, Spindler (Werk), Stegner, Stennett, Sweet, Williams. Total - 32.

NAYS--None.

Absent and excused--Brandt, Burtenshaw, Noh. Total - 3.

Total - 35.

Whereupon the President declared **H 503** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Stegner, granted by unanimous consent, **H 504** retained its place on the Third Reading Calendar for one legislative day.

**S 1231** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bilbao (Little), Bunderson, Burkett, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Lodge, McKenzie, McWilliams, Noble, Pearce, Richardson, Schroeder, Sorensen, Spindler (Werk), Stegner, Stennett, Sweet, Williams. Total - 30.

NAYS--Malepeai, Marley. Total - 2.

Absent and excused--Brandt, Burtenshaw, Noh. Total - 3.

Total - 35.

Whereupon the President declared **S 1231** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:10 p.m. until the hour of 11:15 a.m., Monday, February 2, 2004.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary